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10/628,327	07/29/2003	Takayuki Iida	Q76704	6128

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EXAMINER	
TRAN, NHAN T	

ART UNIT	PAPER NUMBER
2622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/628,327	IIDA, TAKAYUKI	
	Examiner	Art Unit	
	Nhan T. Tran	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *7/23/2007 & 9/5/2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-18* is/are pending in the application.

4a) Of the above claim(s) *3,7-10 and 12* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-6,11 and 13-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 9/5/2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

2. New title of the invention filed 7/23/2007 is accepted.

Response to Arguments

3. Applicant's arguments, filed 7/23/2007, with respect to claims 1, 4, 5, 14-18 have been considered but are moot in view of the new ground of rejection. It is noted that the independent claims 1 and 14 have been amended to recite new limitations of "image apparatus information together with" not previously claimed that necessitate new ground of rejection.

4. Applicant's arguments, filed 7/23/2007, with respect to claims 6, 11 and 13 have been fully considered but they are not persuasive.

The Applicant asserts that the Parulski fails to disclose the first mage storage area for storing the selected image data and the second storage area for storing the remaining image data as recited in claim 6 and 13 (remarks, pages 14-15).

In response, the Examiner understands the Applicant's arguments but respectfully disagrees with the Applicant's assessment because the claims are written broad enough to read on the disclosure of Parulski. As addressed in the previous office action that the first storage area is a portion of memory, i.e., a segment of DRAM 32, where the selected image data currently occupies, and the second storage area is the area other than the first area of the same DRAM 32 that currently storing all other images. This is always true regardless of whether all images being stored in the internal memory DRAM 32 or removable memory 36. Thus, the claimed limitations are met by the teaching of Parulski.

Claim Objections

5. Claims 3, 13, 15 & 16 are objected to because of the following informalities:

Regarding claim 3, this claim is dependent from the **canceled** claim 2, and therefore should be corrected or canceled.

Regarding claim 13, this claim recites "**the** communication means" in lines 9-10 on page 8. This should be corrected to read as -- a communication means --.

Regarding claims 15 & 16, each of these claims recites "photography data" which should be corrected to read as -- photography **date** – (as described in the specification, page 37). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 6, 11 & 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Parulski et al. (US 6,573,927).

Regarding claim 6, Parulski discloses an imaging apparatus (digital still camera shown in Fig. 1A) comprising:

image capturing means (CCD 20) for obtaining image data (Fig. 1A and col. 2, lines 56-63);

image selection means (user buttons 26) for selecting a desired portion of the image data to be sent to an addressee (i.e., a service provider or an e-mail recipient) that generates printed matter therefrom (Fig. 1B and col. 3, lines 25-59, it is noted that "image data" is presented by a plurality of captured images stored in memory 32 or 36, and "the portion of the image data" is the selected image for printing or e-mailing);

image storage means comprising a first storage area for storing the selected image data (i.e., a memory area of memory 32 such as memory bank or segment where the selected image currently occupies) and a second storage area (i.e., other area of memory 32 that currently stores all other images) for storing the remaining image data

(see Fig. 1A & Fig. 2; col. 3, lines 25-59); and image output means (wireless communication interface 28) for outputting the selected image data to an external apparatus (i.e., service provider 14 including a printer in shown Fig. 1B) that generates the printed matter, by reading the selected image data from the first storage area (col. 4, lines 9-16 and col. 3, lines 25-59).

Regarding claim 11, Parulski also discloses that the imaging apparatus further comprises order information generation means (combined microprocessor 29 and user buttons 26) for generating order information (i.e., print order information) representing the content of an order regarding the selected image data, wherein the image output means is means for outputting the order information together with the selected image data (see Fig. 2 and col. 3, lines 45-59 and col. 4, lines 9-16).

Regarding claim 13, the limitations of this claim are also met by the analysis of claim 6. Furthermore, Parulski discloses control means (microprocessor 29; col. 2, line 65 – col. 3, line 4) for carrying out judgment as to whether or not [the] communication means is within a communicable range of the wireless communication equipment (note that since the camera in Parulski uses cellular technology for wireless communication, the communication range is inherently judged by the camera by detecting a cellular tower in order for the wireless communication to operate properly; see col. 4, lines 29-32) and for controlling the image output means so as to send the selected image data to the external apparatus that generates the printed matter when it is judged by the control

means that the communication means is within the communicable range of the wireless communication equipment (col. 4, lines 9-16, 29-32, wherein wireless communication is available only when a cellular tower is detected by the camera within a communication range).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 4, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. (US 6,573,927) in view of Tanaka et al. (US 2001/0041056).

Regarding claim 1, Parulski discloses an imaging apparatus (digital still camera shown in Fig. 1A) comprising:

image capturing means (CCD 20) for obtaining image data (Fig. 1A and col. 2, lines 56-63);

image selection means (user buttons 26) for selecting a desired portion of the image data to be sent to an addressee (i.e., a service provider or an e-mail recipient) that generates printed matter therefrom (Fig. 1B and col. 3, lines 25-59, it is noted that "image data" is presented by a plurality of captured images stored in memory 32 or 36, and "the portion of the image data" is the selected image for printing or e-mailing);

image storage means (memory 32 and/or removable memory card 36) for storing the image data obtained by the imaging means and the portion of the image data selected by the image selection means as selected image data (Fig. 1A and col. 3, lines 25-59).

communication means (wireless communication interface 28) for carrying out data communication with wireless communication equipment (wireless communication network 31 such as cellular phone network; see Figs. 1A & 1B and col. 4, lines 9-16, 29-32); addressee storage means (also the memory 32 or 36) for storing the addressee (i.e., service provider or e-mail recipients);

As seen in Parulski, col. 4, lines 29-32, the wireless communication between the imaging apparatus and the wireless network is established by wireless cellular technology. Thus, the imaging apparatus of Parulski inherently includes authentication information storage means (i.e., camera firmware or memory 32/36) for storing authentication information (i.e., wireless protocol, cellular number and/or user's account information) that is necessary for the data communication with the wireless communication equipment (col. 4, lines 9-16, 29-35); control means (microprocessor 29; col. 2, line 65 – col. 3, line 4) for carrying out judgment as to whether or not the communication means is within a communicable range of the wireless communication equipment (note that since the camera uses cellular technology for wireless communication, the communication range is inherently judged by the camera by detecting a cellular tower in order for the wireless communication to operate properly; see col. 4, lines 29-32) and for controlling the communication means so as to send the

authentication information stored in the authentication information storage means to the wireless communication equipment by carrying out the data communication with the wireless communication equipment in the case where a result of the judgment is affirmative (i.e., when the camera is within the communication range of cellular towers, otherwise no wireless communication is available) and so as to send the selected image data to the addressee via the wireless communication equipment after the wireless communication equipment authenticates (i.e., after initializing and handshaking to verify wireless protocol and cellular number) the imaging apparatus according to the authentication information (Figs. 1-5 and col. 4, lines 9-16, 29-35).

Parulski does not explicitly teach that image apparatus information is sent together with the selected image data to the addressee.

However, it is well recognized by Tanaka that a camera is constructed with a wireless communication module for wirelessly sending image data selected by the user *together* with camera's parameter information such as shooting mode, shooting date, focus information, white balance, flash, etc., by attaching these information into an image tag of the image file prior transmitting (Fig. 9 and paragraphs [0074] and [0068]). Such useful information of camera's parameters at the time the image was taken would enhance the reproducing process or editing process at a later time while allowing the user to search for a specific image based on a shooting date.

Therefore, it would have been obvious to one of ordinary skill in the art to configure the camera in Parulski to incorporate the teaching of Tanaka such that the camera would generate its parameter information (i.e., shooting mode, shooting date,

focus information, white balance, flash, etc.) for attaching with image data at the time the image was taken so as to send these information together with the image data to the addressee. Such useful information of camera's parameters at the time the image was taken would enhance the reproducing process or editing process at a later time while allowing the user to search for a specific image based on a shooting date.

Regarding claim 4, Parulski as analyzed in claim 1 also teaches all limitations of claim 4 *except* for that the data communication apparatus is connected to the imaging apparatus, and the data communication apparatus comprises communication means, address storage means, authentication information storage means and control means as recited in claim 4. Instead all of these means are recited in the camera's body of Parulski (see claim 1).

However, Tanaka teaches that a data communication apparatus is implemented as a separated device (cellular phone 80 shown in Figs. 6 & 7). According to Tanaka, a digital camera (10) can be connected to the data communication through a communication connector such as USB connector (64 shown in Fig. 3 and 96 shown in Fig. 6, paragraph [0066]). Tanaka further teaches that the data communication apparatus (the cellular phone 80) comprises a communication means (98 shown in Fig. 6) for carrying out data communication with wireless communication equipment (i.e., cellular wireless tower), addressee storage means (PROM 108) for storing addressee; authentication information storage means (also PROM 108) for storing authentication information (wireless communication program along with cellular phone numbers) that is

necessary for carrying out the data communication with the wireless communication equipment; and control means (CPU 106) for controlling the communication means so as to send the authentication information stored in the authentication information storage means to the wireless communication equipment by carrying out the data communication with the wireless communication equipment and so as to send the selected image data to the addressee via the wireless communication equipment after the wireless communication equipment authenticates the data communication apparatus according to the authentication information (see Tanaka, paragraphs [0062]-[0068] and note the analysis of claim 1).

Therefore, it would have been obvious to one of ordinary skill in the art modify the imaging apparatus in Parulski by providing a separate data communication device (i.e., a cellular phone) which is connectable to the imaging apparatus in view of teaching of Tanaka as an alternative configuration so that a number of electrical components in the imaging apparatus would be reduced, thereby reducing cost and size of the imaging apparatus while leaving options to the user to purchase the separate communication device.

Regarding claim 14, this claim is also met by the analysis of claim 1, wherein Parulski also discloses a camera housing (12 in Fig. 1A), an image capturing system (CCD 20) provided in the housing for obtaining image data (Fig. 1A); a manually operable print order button (user button 26) provided on the camera body for selecting a desired portion of the image data to be sent to an addressee (i.e., service provider 14

shown in Fig. 1B) that generates printed matter therefrom; and an image output system (communication interface 28) provided in the camera body for outputting the selected image data to the addressee that generates the printed matter (see Parulski, col. 3, lines 25-59 and col. 4, lines 9-16).

Regarding claims 15 & 16, the combined teaching of Parulski and Tanaka also encompasses that the communication means sends the selected image data in an ascending order of photography date (note claim objection for misspelling of date as data). It is clear that the user can send the captured images daily to the wireless service provider. For instance, the image data captured today is sent to the service provider, and then tomorrow another image data will be selected by the user and sent to the service provider. Thus, the selected image data is sent in an ascending order of photography date.

Regarding claims 17 & 18, Parulski in view of Tanaka as discussed in claim 1 that the imaging apparatus information includes at least photography condition information, which includes information of a photography condition (i.e., focus information, white balance information) used at a time of obtaining the image data (see claim 1 and Tanaka, Fig. 9, paragraph [0074]).

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. and Tanaka et al. as applied to claim 4 and further in view of Battles et al. (US 2003/0214602).

Regarding claim 5, although Parulski suggests the imaging apparatus can be placed on docking station for transferring image data, Parulski and Tanaka are silent as to recharging means for recharging the imaging apparatus.

Battles teaches a docking station (100 shown in Figs. 1 & 2) that recharges camera's battery when the camera is placed on the docking station (see Battles, paragraph [0018]).

Therefore, it would have been obvious to one of ordinary skill in the art to provide recharging means in the docking station for recharging the camera in view of the teaching of Battles so that the camera's battery is reused without the need to carry multiple batteries.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NHAN T. TRAN
Patent Examiner